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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,726	07/12/2006	Hakan Fortell	43314-232150	6174
26694	7590	01/23/2009	EXAMINER	
VENABLE LLP			OLSEN, LIN B	
P.O. BOX 34385			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20043-9998			3661	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,726	<b>Applicant(s)</b> FORTELL ET AL.
	<b>Examiner</b> LIN B. OLSEN	<b>Art Unit</b> 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 November 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,2,7,8,12,14 and 16 is/are allowed.
- 6) Claim(s) 9 and 10 is/are rejected.
- 7) Claim(s) 3-6,11 and 15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 7/12/2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: In paragraphs 40 and 41 of the printed publication "the control system" is incorrectly referenced as element 1 rather than element 5 as defined in paragraph 36.

### ***Claim Objections***

Claims 3-6 and 15 are objected to because of the following informalities:

Claim 3-6 use the construct "and/or" which leaves it indefinite whether both of the pieces of data must be stored or whether storing either one constitutes an infringing action.

In claim 15, the Examiner suggests that "programmed" be deleted.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 10 are rejected under 35 U.S.C. 101 because the claims fail to define a statutory process. There does not appear to be sufficient structural and functional interrelationships between the computer program and other claimed elements of a computer or processor which permit the computer program's functionality to be realized. For the claim to be statutory there is a requirement that there be a functional interrelationship among the data and the computing processes performed when utilizing the data. A process consisting solely of mathematical operation does not manipulate

appropriate subject matter and thus cannot constitute a statutory process. The data (plurality of mechanical unit programs) used in the method is not derived from a physical entity. The method to be statutory requires some useful, tangible, concrete result. The current claims appear abstract and do not appear to claim a tangible concrete result. Determining how mechanical units should be moved to synchronize their movements does not constitute a tangible result. The recital of the mechanical units in the preamble is in the form of an intended use rather than a functional relationship among the steps of the process. These claims need to be tied to a robot and its movements or to a computer receiving a program and executing the instructions performing the method.

***Response to Amendment***

Applicant's amendments to the claims have been entered and have over come the objections to claims 5 and 6, the rejection of claims 14-16 under USC 101 and 112 2<sup>nd</sup> paragraph, the rejection of claims 1and 2 under USC 101, and the rejection of claim 4 under USC 112 2<sup>nd</sup> paragraph. Applicant's amendments to claim 9 and 10 have not brought these claims within the bounds of a statutory process an detailed in *In re Bilski*, 88 USPQ2d 1385.

***Response to Arguments***

Applicant's arguments, see pages 9-14 filed November 3, 2008 with respect to claims 1-8, and 11-12, and 14-16 have been fully considered and are persuasive. The rejection of claims 1-8, 11-12 and 14-16 has been withdrawn.

***Allowable Subject Matter***

Claims 1-2, 7-8, 12, 14 and 16 are allowed.

Claims 3-6 and 15 are objected for minor objections but would be allowable if these objections were overcome.

Claims 11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,243,266 to Kasagami et al. for alternation between synchronous and non-synchronous motion of robots; U.S. Patent No. 5,889,924 to Okabayashi et al. for controller handling synchronous and non-synchronous control of robots and U.S. Patent No. 7,211,978 to Chang et al. for a single controller with two robots.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/  
Examiner, Art Unit 3661

/Thomas G. Black/  
Supervisory Patent Examiner, Art Unit 3661